

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 20.30.500 AND 20.30.520 OF CHAPTER 20.30 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO MODIFY THE SQUARE FOOTAGE AND MINIMUM SEPARATION REQUIREMENTS OF ACCESSORY STRUCTURES, AMENDING SECTION 20.90.220 OF CHAPTER 20.90 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW CERTAIN REDUCTIONS TO ONE-CAR GARAGES FOR CERTAIN SINGLE FAMILY RESIDENCES, AND AMENDING SECTION 20.100.500 OF CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW MINOR ADDITIONS TO TWO-FAMILY DWELLINGS WHERE CURRENT PARKING REGULATIONS ARE BEING MET

WHEREAS, the Director of Planning, Building and Code Enforcement has prepared a Statement of Exemption for this project pursuant to the provisions of the California Environmental Quality Act of 1970, together with guidelines promulgated thereunder, all as amended to date and in accordance with the provisions of Title 21 of the San José Municipal Code, under File No. PP08-197, which Statement of Exemption is on file in the Department of Planning, Building and Code Enforcement and has not been protested, challenged nor appealed; and

WHEREAS, the City Council of the City of San José is the decision-making body for this proposed ordinance; and

WHEREAS, this Council of the City of San José has considered and approves said Statement of Exemption prior to taking any approval actions on this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 20.30.500 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.30.500 Development Standards

- A. All accessory buildings and structures in the Residential Zoning Districts shall conform to the development regulations set forth below in Table 20-70.
- B. When the right column of Table 20-70 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply.

Table 20-70 Accessory Buildings and Structures Development Regulations		
Front Setback (feet)		
Retaining walls	none	
swimming pool, built-in	30	
detached garage on a lot with two intersecting front property lines	25	Note 1
all other accessory buildings and structures	60	
Side Setback (feet)		
swimming pools, built-in		
interior lot	5	
corner lot	9	
all other accessory buildings and structures	none	Notes 2,3
Rear Setback (feet)		
swimming pools, built-in	5	
all other accessory buildings and structures	none	Notes 2,3
Height (feet)		
Retaining wall	2	Note 4
all other accessory buildings and structures	12	Note 5
Maximum number of stories	1	
Maximum size (square feet)	650	Notes 6, 7, 8
—garage	650	Note 6, Note 7
—all other accessory buildings and structures	200	Note 6, Note 7

Notes:

1. Measured from front property line which is opposite the designated side property line.
2. On a corner lot, no accessory buildings shall be built within ten (10) feet of the side property line of the street side.
3. With respect to accessory buildings or structures, where any such building or

structure is proposed to be constructed on a corner lot which abuts upon a key lot which is for residential use, such building shall be set back not less than four feet from the rear line of such lot, provided that the setback for swimming pools shall not, in any event, be reduced to less than five feet.

4. Maximum height of two (2) feet, unless otherwise approved with a Development Permit.

5. No accessory building or structure shall exceed twelve (12) feet in height except that, for an accessory building with a sloped roof, the height halfway up any slope of a pitched, gable or hip roof may not exceed 12 feet and, in no case, may any portion of the roof exceed a height of sixteen (16) feet.

6. The maximum square footage may be increased pursuant to a Special Use Permit, as provided for in Chapter 20.100 of this Title.

7. The total aggregate square footage of all accessory building(s) built on any property in any R-1 or R-2 Residence Zoning Districts shall not exceed six hundred fifty (650) square feet unless the owner has obtained a Special Use Permit, as provided for in Chapter 20.100 of this Title. For purposes of this Section, the calculation of square footage shall not include any square footage of an accessory structure that is entirely below grade.

-8. Per Section 20.200.020, an accessory building shall not contain living space or sleeping quarters, and shall be limited to two (2) plumbing connections to serve an appliance or fixture, and unconditioned space as defined in Title 24 of the San Jose Municipal Code.

SECTION 2. Section 20.30.520 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.30.520 Separation of Accessory Building

~~Except for built-in swimming pools, t~~The horizontal distance between any and all points between the building walls of any accessory building and the building walls of any other building on the property including any other accessory building(s) shall not be less than six (6) feet. Eaves may be closer than six (6) feet but will have to meet any applicable building code regulations.

SECTION 3. Section 20.90.200 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.90.220 Reduction in Required Off-Street Parking Spaces

A. Alternative Transportation

1. A reduction in the required off- street parking spaces of up to ten percent (10%) may be authorized with a Development Permit for structures or uses located within 2,000 feet of a proposed or an existing rail station, and areas designated as neighborhood business districts in the City's General Plan. If no Development Permit is required, a development exception may authorize a reduction.

B. One-family Dwellings

1. A reduction in the required off- street parking ~~for a one-family dwelling is authorized with a Development Permit, or a Special Use Permit if no Development Permit is required, for one- family dwellings. The reduction may be made allowed by right~~ if the following criteria are met:
 - a. At least one covered parking space is provided; and
 - b. No more than one dwelling occupies the lot; and
 - c. The location of the required covered parking is set back a minimum of sixty (60) feet from the front property line ~~when the garage is accessed via a curb cut from the front property line~~ and ~~fifty-(50)-forty (40)~~ feet from the side corner property line ~~when the garage is accessed via a curb cut from the corner side property line~~; and
 - d. The required covered parking is accessed by a driveway of a width no less than ten (10) feet and no more than twelve (12) feet; and
 - e. Any curb cuts accessing the parking shall be in proportion to the driveway width; and
 - f. No additional paving in the front setback shall be designated or used for parking; and
 - g. The floor area of the covered parking structure does not exceed three hundred and fifty (350) square feet; and
 - h. The covered parking structure shall meet all other applicable regulations of this Title.

SECTION 4. Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.500 Adjustments

A. The Director may, at the Director's sole discretion, approve an adjustment for the following:

1. An extension of the term of an approved Development Permit for a period of up to but not exceeding one (1) year; provided, however, that no more than two (2) such term extensions may be approved.
2. Changes to an approved Development Permit but only for minor modification of architectural elements or landscape details, (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.
3. Signs which conform to Title 23, minor changes to approved sign programs, and sign programs that are a condition of a Development Permit.
4. Additions, accessory buildings and minor structures such as trellises, patio covers, swimming pools and decks for one-family residences which were approved and are subject to an existing Planned Development Permit.
5. Building Mounted Wireless Communications Antenna.
6. Tract sales, model home sales, or leasing offices associated with an approved housing development.
7. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
8. Solar Photovoltaic Electrical Power Generation Systems.
9. The creation, on or above ground through installation, construction, or replacement, of less than one (1) gross acre of impervious surface.
10. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.
11. Building additions of less than five thousand (5,000) square feet in area or less than 50% of the building area prior to the addition, whichever is smaller, to nonresidential buildings.
12. Generators meeting performance standards for noise and air pollution.
13. Building additions of less than two hundred (200) square feet in total area or less than 10% of the building area prior to the addition, whichever is smaller, to two-family dwellings, provided that current parking regulations are being met and would continue to be met after the completion of any addition.

- B. An application for an adjustment must be filed on the form provided by the Director on or before the date that is three (3) business days prior to the expiration of the Development Permit proposed for adjustment and accompanied by the fees as set forth in the Schedule of Fees adopted by resolution of the City Council.
- C. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the Director shall be final. If the Director denies an adjustment, nothing herein shall preclude the applicant from thereafter filing an application for a Development Permit.
- D. Where property was developed prior to the requirement of a Site Development Permit, adjustments for projects as set forth in Section 20.100.610(A) may be approved without the necessity of the issuance of a full Site Development Permit.

PASSED FOR PUBLICATION of title this _____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk